IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.456 OF 2006
IN
FIRST APPEAL NO.116 OF 2006

.....

OFFICE NOTES, OFFICE MEMORANDUM OF CORAM, APPEARANCES, COURT'S ORDERS OR DIRECTIONS AND REGISTRAR'S ORDERS	COURT'S OR JUDGES ORDERS

.....

Mr V.R.Thorat with Mr R.A. Thorat for the Applicants.
Mr D.S. Parik, Sr.Counsel with A.Bilwala & Jayesh Vyas i/by Ms Bilwala & Co. for the Respondents.

CORAM : A. S. OKA, J.
DATE : MARCH 18, 2006.

P.C.:

1. Heard the learned Counsel appearing for the parties. By the impugned decree, a declaration of ownership in respect of the suit property has been granted in favour of the original Plaintiffs. The learned Senior Counsel appearing for the Applicants (original Defendants) submitted that the acquisition proceedings in respect of the property in question have been concluded and compensation has been paid to the Applicants. He states that a suit has been filed by the original Plaintiffs for recovery of the compensation amount and the suit is pending in Original Side of this Court. He, therefore, submitted that decree of declaration granted in favour of the original Plaintiffs will affect the merits of this case in the suit unless stay is

granted.

2. The Appeal is already admitted for final hearing. Admittedly, the suit filed by the original Plaintiffs is not ready for final hearing. No case is made out for grant of stay as of today. Application is rejected

JUDGE